

### **REMARKS**

Claims 38-73 are now pending in the application. By this paper, Claims 1-37 have been cancelled without prejudice or disclaimer of the subject matter contained therein and Claims 38-73 have been added. The basis for these new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

### **DOUBLE PATENTING**

Claims 17, 25, 33, and 35 stand rejected under the judicially-created doctrine of double patenting over Claims 1-4, 9-16, 29-31, and 35-37 of U.S. Patent No. 6,758,050.

Claims 18 and 34 stand rejected under the judicially-created doctrine of double patenting over Claims 5-8 and 32-34 of U.S. Patent No. 6,758,050.

Claims 26-31 stand rejected under the judicially-created doctrine of double patenting over Claims 17-28 of U.S. Patent No. 6,758,050.

These rejections are respectfully traversed.

Applicants respectfully submit that this rejection is moot as Claims 1-37 have been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-10, 15, 16, 19, 32 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharood et al. (U.S. Pat. No. 6,453,687) in view of Wiggs (U.S. Pat. No. 4,463,571).

Claims 11-14 and 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharood et al. (U.S. Pat. No. 6,453,687) in view of Wiggs (U.S. Pat. No. 4,463,571), as applied to Claim 1, and further in view of Katsuki (U.S. Pat. No. 6,158,230).

Claims 20 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharood et al. (U.S. Pat. No. 6,453,687) in view of Wiggs (U.S. Pat. No. 4,463,571), as applied to Claim 1, and further in view of Dawley or Day, III et al. (U.S. Pats. Nos. 4,441,329 and 4,387,368, respectively).

These rejections are respectfully traversed.

Applicants respectfully submit that this rejection is moot as Claims 1-37 have been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

### **NEW CLAIMS**

New Claims 38-73 are added for consideration. The Examiner, in rejecting now-cancelled Claims 1-37 primarily relied on Sharood (U.S. Pat. No. 6,453,687) and Wiggs (U.S. Pat. No. 4,463,571). Applicants respectfully submit that Sharood and Wiggs, either in combination or alone, fail to teach or suggest a system that determines a trip frequency of a motor protector to identify a specific fault cause or diagnoses a system operating condition based upon a status of a motor protector and a moving window time


average of a compressor operating in an ON condition. As such, Applicants respectfully submit that Sharood and Wiggs also fail to teach an intelligent device for use with such a system. Accordingly, Applicants respectfully submit that new Claims 38-73 are in condition for allowance.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 13, 2005

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